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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,601	02/23/2004	Oliver Doeberlin	4638	3215

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FASSE PATENT ATTORNEYS, P.A.  
P.O. BOX 726  
HAMPDEN, ME 04444-0726

EXAMINER

EDWARDS, ANTHONY Q

ART UNIT PAPER NUMBER

2835

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/785,601

Applicant(s)

DOEBERTIN ET AL.

Examiner

Anthony Q. Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-12 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites “second built-in components positioned in said housing for preventing access to said second built-in components.” A lock or latch may prevent access to second built-in components, but not the components themselves. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-7, and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,818,854 to Davies et al. (“Davies” hereinafter). Referring to claim 1, Davies discloses a modular communication fixture (AT), comprising a housing (fh), an information terminal and a communication terminal (FP/TP) and installed in said housing for use by passengers (i.e., customers) and personnel (i.e., service persons or workers), said terminals (see upper and lower panels in Fig. 2) comprising a control and monitoring section installed in said housing for use only by and accessible only to personnel (see col. 11, lines 40-59), and a

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passenger service and personnel section installed in said housing for use and accessible by passengers and personnel (see col. 10, lines 54-68). Although Davies does not specifically teach the device “for installation on board of a passenger conveyance,” it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). The language, therefore, relating to installation of the claimed device on a “passenger conveyance,” as recited in claims 1, 3, 10 and 12, has not been given any patentable weight.

Referring to claim 2, Davies discloses a modular communication fixture, wherein said housing is a frame structure in which said information terminal and said communication terminal are installed, a door (FD) operatively secured to said frame structure, and an opening (not numbered) functioning as a reach through opening in said door (3). See Fig. 2 and the corresponding specification.

Referring to claim 3, Davies discloses a modular communication fixture, wherein said housing is constructed as a built-in fixture installed in a fixed position in said passenger conveyance (see above comments regarding “intended use”), said built-in fixture comprising a lockable hinged door (FD) with a reach through opening. See Figs. 1 and 2, wherein the door (FD) includes a lock mechanism (DL).

Referring to claim 5, Davies discloses a modular communication fixture, comprising a door (FD) attached to said housing, first built-in components (TEL, D, CR) positioned in said housing, a reach through opening in said door, wherein at said first built-in components are accessible for use when said door is open and also through said reach through opening in said

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door when said door is closed (see Fig. 1), and second built-in components (i.e., lock DL) positioned in said housing for preventing access to said second built-in components (CP, TP) when said door is closed. See Figs. 1 and 2 and the corresponding specification.

Referring to claim 6, Davies discloses a modular communication fixture, comprising a door with a reach through opening attached to said housing and convenience components (P and S) installed in said door below said reach through opening (see Figs. 1 and 2).

Referring to claim 7, Davies discloses a modular communication fixture, wherein said convenience components comprise a cup holder or minibar facility, a work support plate (S) installed below said reach through opening (see Fig. 1) and at least one lamp (not shown) above said reach through opening (see Fig. 1 and col. 1, lines 47-52). It is noted that the work support plate can also serve as cup holder, since it a flat and stable surface.

Referring to claim 9, Davies discloses a modular communication fixture, wherein said information terminal and communication terminal comprise a computer (PC) provided in common for said control and monitoring section and for said passenger service section (see Fig. 11 and the corresponding specification), said control and monitoring section comprising an audio/video control center and a cabin system control center (see col. 10, lines 54-68), said housing also inherently comprising electrical and data terminals for all components installed in said housing for connection to respective power supply lines and to at least one data bus.

Referring to claim 10, as seen in Fig. 1 and 2, Davies discloses a modular communication fixture wherein said housing comprises a door (FD) with a reach through opening (not numbered), said door being openable into an entrance and exit area when installed in a passenger conveyance.

Referring to claim 11, Davies discloses a modular communication fixture, further comprising a door (FD) with a door reach through opening permitting passenger access to said passenger service section and preventing passenger access to said control and monitoring section. See Fig. 1 and col. 11, lines 40-54, wherein the “control and monitoring section” is locked using locking mechanism (DL).

Referring to claim 12, as mentioned above, although Davies does not specifically teach the device “for installation on board of a passenger conveyance, i.e., an aircraft body, a passenger train and a passenger ship” it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davies in view of U.S. Patent No. 6, 487,280 to Akinbi, and further in view of U.S. Patent No. 6,646,863 to White et al. Davies teaches the device as substantially claimed, except for a stool and guide means in the housing for shifting any one of said built-in components between a retracted position and a use-position. Akinbi teaches providing a stool (see Fig. 2) for use with multi-media data accessing and sending system (i.e., a modular communication fixture), wherein the stool in

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stored within the housing portion (12) for use by both passengers and personnel. It would have been obvious to one having ordinary skill in the art at the time of the invention to provide the device of Davies with a seat or stool, as taught by Akinbi, since the device of Akinbi would allow a passenger to sit while talking on the phone (see Fig. 1), and would also allow personnel to sit while changing the paper in printer (see Fig. 2).

Furthermore, White et al. teaches providing guide means (402/404) in the housing of a kiosk (100) for shifting any built-in components (i.e., keyboard 212) between a retracted position (Fig. 3) and an use-position (Fig. 2), including position locks for arresting the keyboard in the retracted position and in said use-position (see col. 5, lines 7-27). It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the device of Davies to include guides means for shifting and locking a keyboard between a retracted position and an in use position, as taught by White et al., since the device of White et al., would provide the fixture of Davies with a readily accessible keyboard that does not need to take up space within the housing.

#### *Allowable Subject Matter*

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: the specific limitation of the housing having built-in components including at least a keyboard and an open space below said keyboard, as well as a work support plate installed in the door in a position for fitting into said open space below said keyboard when said

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door is closed, in combination with the rest of the elements, is not disclosed by the prior art references.


*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Q. Edwards whose telephone number is 571-272-2042. The examiner can normally be reached on M-F (7:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 8, 2005  
aqe

  
LYNN FEILD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800